

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

AUG 07 2016

Clerk of Court

United States of America)
v.)
Alejandro Tadeo GARZA-Posas)
YOB: 1994)
COB: Mexico)
Fernando De Jesus Garza-Posas)
YOB: 1993)
COB: Mexico)

Case No.

M-16-1480-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 05, 2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841

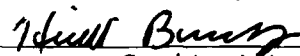
Possession with intent to distribute cocaine.

21 USC 952:

Importing into the United States from Mexico approximately 10.26 kilograms of cocaine.

This criminal complaint is based on these facts:

See "Attachment A"

☒ Continued on the attached sheet.

Complainant's signature

Heidi Bridges, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/07/2016

Judge's signature

City and state: McAllen, Texas

Dorina Ramos U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On or about August 4, 2016, Homeland Security Investigations received information regarding a vehicle loaded with narcotics that was going to enter the United States, through the Hidalgo Port of Entry (POE), from Mexico in a white Chevrolet Malibu.

On August 5, 2016, Mexican citizens, driver Fernando GARZA-Posas (F. GARZA) and passenger Alejandro Tadeo GARZA-Posas (A. GARZA) [brothers] drove a white Chevrolet Malibu into the United States from Mexico at the Hidalgo, Texas POE. F. GARZA advised that they were traveling into the United States to visit family in Pharr, Texas. F. GARZA provided a Customs and Border Protection Officer with a negative oral declaration for currency in excess of \$10,000, narcotics, and weapons. The vehicle was then released and granted entry into the United States.

Approximately forty-five (45) minutes later, while conducting surveillance, HSI McAllen Special Agents (SAs) observed the white Chevrolet Malibu approach the POE and conducted an outbound inspection. A McAllen Police Department K-9 unit conducted a canine inspection of the vehicle. The canine alerted to the backseat area of the vehicle. During secondary inspection, the vehicle was found to contain 10 bricks of a substance that field-tested positive for the properties of cocaine. The total weight of the bricks was approximately 10.26 kilograms.

HSI McAllen SAs and an HSI Task Force Officer (TFO) subsequently interviewed F. GARZA and A. GARZA.

In a post-Miranda statement, F. GARZA stated he drove from Mexico in a vehicle that was given to him the night before by a narcotics trafficker who previously discussed work with F. GARZA as a narcotics courier. F. GARZA denied knowing the vehicle contained narcotics, but stated that he suspected an illegal substance may have been in the vehicle.

In a post-Miranda statement, A. GARZA stated he rode from Mexico as a passenger in his brother's vehicle that was given to him (F. GARZA) two days prior. A. GARZA later recanted this statement and admitted that his brother (F. GARZA) received the vehicle the night before. A. GARZA stated he was suspicious that the vehicle was given to his brother without requiring any initial payment and purposely left his Visa behind at home that morning so that he did not have to come to the United States with his brother, but later retrieved the Visa so that he could cross with his brother. A. Garza stated that he and his brother planned the night before to come to the United States to visit their grandmother in Pharr; although he did not know where she lived in Pharr and they were returning to Pharr without having visited her.